

Notice of Allowability

Application No.

10/811,910

Examiner

Daniel A. Hess

Applicant(s)

TAKAMI ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/31/05 request for RCE.
2. ☒ The allowed claim(s) is/are 17-46.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/896,762.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 7/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION / ALLOWANCE

This action is in response to applicant's 5/31/05 request for continuing examination.

Allowable Subject Matter

Claim 17-46 are allowed.

As to claims 17-30, these claims are allowed for reasons that are already clear on the record, including the filing of a terminal disclaimer to link the patent to parent patent US 6382505.

The following is an examiner's statement of reasons for allowance of previously rejected claims: The applicant has amended the claims to clarify the major ambiguity which prevented the examiner from allowing the case, namely the fact that Nagata et al. taught the limitations of claims 31 and others, when the term 'electronic money information' was used.

The applicant argued convincingly that Nagata et al. differs markedly from the instant specification because Nagata et al.'s system of data transfer is related to providing transaction information to a computer system, rather than actually transferring money that is really considered to be stored on the card. However, it is only by the present amendment that the applicant conveys this difference in the claims.

The following is an excerpt of pages 17 and 18 of the applicant's 3/30/2005 response. Following the applicant's amendments to clarify the above, those arguments become convincing.

Nagata et al. couldn't possibly support a §102 anticipation-type rejection, because Nagata et al.'s arrangements deal only with storing pre-instructions (of a transaction to be conducted), and Nagata et al.'s IC card at no time stores, accepts, or receives electronic money. More particularly, it is important to note/realize that Applicant's disclosed and claimed invention operates in a contemporary "electronic money" world. That is, money is stored electronically as electronic money, and such

electronic money is stored, transferred, decremented, supplemented to/from/within Applicant's "electronic purse" IC card. If \$100 of electronic money is stored within the electronic purse IC card, and the card is lost, then \$100 is lost (just like losing a physical \$100 bill).

In contrast, Nagata et al.'s disclosure is a non-electronic-money IC card in which data necessary for a transaction with a financial institution such as a bank or credit company can be at least partially entered prior to visiting an automatic transaction processing unit, thereby reducing the time required at the unit to complete processing of the transaction. Regarding money, Nagata et al.'s processing unit deals only with physical (not electronic) money. More particularly, note that Nagata et al.'s processing unit uses a paper receiving portion 19 to receive bank notes (i.e., paper money) the customer inserts during the transaction, and uses a paper discharging portion 20 to give bank notes (i.e., paper money) to the customer (see, for example, Nagata et al.'s Column 8, lines 5-9, and similar portions).

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As to additional art provided by IDS, this appears to relate only to bulk transfers of money to a card, but not from a card.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DH

7/19/05

DANIEL STCYR
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Daniel Stcyr', is written over a horizontal line. The signature is stylized with a large, sweeping 'D' and a long horizontal stroke extending to the left.